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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,236	05/25/2000	PEKKA PUHAKAINEN	270689	1456
909	7590	12/28/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			HARPER, KEVIN C	
P.O. BOX 10500			ART UNIT	PAPER NUMBER
MCLEAN, VA 22102			2666	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/555,236

Applicant(s)

PUHAKAINEN ET AL.

Examiner

Kevin C. Harper

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-4, 6-8, 12-14 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 4, 6, 8, 12, 14, 17, 18, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 3, 7, 13 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

Applicant's arguments, filed October 6, 2005 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, the indicated allowability of claims 2- is withdrawn and a new ground(s) of rejection is made in view of Cooper in view of Farjh.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2, 4, 6, 8, 12, 14, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper (US 5,499,246) in view of Farjh et al. (US 5,341,401).

1. Regarding claims 2, 4, 6, 8, 12, 14, 18 and 21, Cooper discloses receiver (fig. 1) for receiving a time slot including a training sequence that indicates stealing (fig. 4, steal flags and training sequence). Stealing flags in the time slot indicate whether signaling, traffic or both are present (col. 1, lines 38-45; note: two signaling flag bits indicate whether a block of even and/or odd bits is signaling). Decoding according to stealing takes place if stealing is indicated (col. 5, lines 50-53). However, Cooper does not disclose that channel decoding a second block when channel decoding fails and interpreting channel decoding for both blocks failing that the time slot comprises traffic data. Farjh discloses decoding channel blocks according to stealing (fig. 7, step 1), and when the decoding fails determining that traffic data is present (fig. 7, steps 7-9; col. 5, lines 60-65; col. 6, lines 27-35). The receiver is part of a mobile unit (fig. 2, item 5). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to decode

Art Unit: 2666

two blocks of data to determine if traffic is present in the invention of Cooper in order to reduce the probability of having a decoding error (Farjh, col. 2, lines 14-18; col. 6, lines 41-46).

Claims 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper in view of Farjh, as applied to claims 6 or 12 above, in further view of Kay et al. (US 5,299,198).

2. Regarding claim 17, 20, Cooper in view of Farjh does not disclose a base station for decoding a FACCH. Kay discloses a mobile station transmitting a FACCH (col. 13, lines 44-45). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have an upstream FAACH for decoding by a base station in the invention of Cooper in view of Farjh in order to provide fast signaling for a mobile station (Kay, col. 13, lines 38-39).

#### ***Allowable Subject Matter***

Claims 3, 7, 13 and 19 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the

Art Unit: 2666

Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is [kevin.harper@uspto.gov](mailto:kevin.harper@uspto.gov).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see [portal.uspto.gov](http://portal.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Kevin C. Harper', is positioned above the printed name.

Kevin C. Harper

December 27, 2005